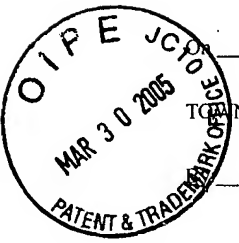


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PATENT
Attorney Docket No.: 016325-003721US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



MARCH 28, 2005

TOWNSEND and TOWNSEND and CREW LLP

Kimberly Rosa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenneth L. Luskey, et al.

Application No.: 10/660,112

Filed: September 10, 2003

For: USE OF (-) (3-
TRIHALOMETHYLPHENOXY) (4-
HALOPHENYL) ACETIC ACID
DERIVATIVES FOR TREATMENT OF
INSULIN RESISTANCE, TYPE 2
DIABETES, HYPERLIPIDEMIA AND
HYPERURICEMIA

Examiner: Cook, Rebecca

Art Unit: 1614

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the U.S. Patent references (Ref. Nos. 1-22) are not enclosed herewith. In accordance with 37 CFR §1.98(d), copies of Reference Nos. 23-26 and 31-96 can be found in Application No. 09/703,487, filed Oct. 31, 2000 (now U.S. Pat. No. 6,646,004, issued Nov. 11, 2003, Attorney Docket No. 016325-003720US), and Application No. 09/325,997, filed June 4, 1999 (now U.S. Pat. No. 6,262,118, issued July 17, 2001, Attorney

03/31/2005 AWONDAF1 00000092 201430 10660112

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Docket No. 016325-003700US). Copies of the remaining references (Ref. Nos. 27-30) are enclosed herewith.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Frank J. Mycroft
Reg. No. 46,946

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60438345 v1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/660,112	
			Filing Date	September 10, 2003	
			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
Examiner Name	Cook, Rebecca				
Sheet	2	of	6	Attorney Docket Number	016325-003721US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	27	GB	1,403,309		08-20-1975	Merck & Co. Inc.		<input type="checkbox"/>
	28	WO	00/74666	A2	12-14-2000	Metabolex, Inc. et al.		<input type="checkbox"/>
	29	WO	02/44113	A2	06-06-2002	Metabolex, Inc.		<input type="checkbox"/>
	30	WO	04/112774	A1	12-29-2004	Metabolex, Inc.		<input type="checkbox"/>

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/382,186	
			Filing Date	March 4, 2003	
			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
			Examiner Name	Cook, Rebecca	
Sheet	3	of	6	Attorney Docket Number	016325-003740US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	31	ARONOW, W.S. et al., "Halofenate: An Effective Hypolipemia- and Hypouricemia-Inducing Drug," <i>Current Therapeutic Research</i> , 15:902-906 (1973)	
	32	ARONOW, W.S. et al., <i>Clin. Pharmacol. Ther.</i> , 14:371-373 (1973)	
	33	BARDIN, C.W., eds., CURRENT THERAPY IN ENDOCRINOLOGY AND METABOLISM, 6th Edition, Mosby - Year Book, Inc., St. Louis, MO (1997)	
	34	BARRETT-CONNOR, "Epidemiology, Obesity, and Non-Insulin-Dependent Diabetes Mellitus," <i>Epidemiologic Review</i> , 11:172-181 (1989)	
	35	BASSETT, D.R. et al., "Effects of halofenate and probenecid in serum lipids and uric acid in hyperlipidemic, hyperuricemic adults," <i>Clin. Pharmacol. Ther.</i> , 22:340-351 (1977)	
	36	BELL et al., "Glucokinase Mutations, Insulin Secretion, and Diabetes Mellitus," <i>Annu. Rev. Physiol.</i> , 58:171-186 (1996)	
	37	BERKOW and FLETCHER, "The Merck Manual of Diagnosis and Therapy - 15th Edition," pp 1069-1072, Merck Research Laboratories, N.J. (1987)	
	38	BLUESTONE, R. et al., <i>Arthritis Rheum.</i> , 18:859-862 (1975)	
	39	CHIASSON, J. et al., "The Efficacy of Acarbose in the Treatment of Patients with Non-Insulin-dependant Diabetes Mellitus," <i>Ann. Intern. Med.</i> , 121:928-935 (1994)	
	40	CONIFF and KROL, "Acarbose: A Review of US Clinical Experience," <i>Clinical Therapeutics</i> , 19:16-26 (1997)	
	41	CONIFF, et al., "Multicenter, Placebo-Controlled Trial Comparing Acarbose (BAY g 5421) With Placebo, Tolbutamide, and Tolbutamide-Plus-Acarbose in Non-Insulin-Dependent Diabetes Mellitus," <i>The American Journal of Medicine</i> , 98:443-451 (1995)	
	42	EDELMAN and HENRY, "Non-Insulin-Dependent Diabetes Mellitus," <i>Current Therapy in Endocrinology and Metabolism</i> , pp. 430-438 (1997)	
	43	FAJANS et al., "Maturity Onset Diabetes of the Young (MODY)," <i>Diabetes Medicine</i> , 13:S90-S95 (1996)	
	44	FANELLI, G.M., Jr., <i>J. Pharmacol. Exp. Ther.</i> , 180:377-396 (1972)	
	45	FELDMAN, E.B., et al. "Effects of Halofenate on Glucose Tolerance in Patients with Hyperlipoproteinemia," <i>Journal Clinical Pharmacology</i> , 18:241-248 (1978) May-June 1978	
	46	FELDMAN, E.B., et al. "Insulin Sensitivity in Hypertriglyceridemia: induction by combined triglyceride and uric lowering", <i>Clinical Research</i> vo. 23, No. 1, page 43A (1975)	

Examiner Signature		Date Considered	
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			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
			Examiner Name	Cook, Rebecca	
Sheet	4	of	6	Attorney Docket Number	016325-003740US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	47	FLIER, "Insulin Receptors and Insulin Resistance," <i>Ann. Rev. Med.</i> , 34:145-160 (1983)	
	48	FRIEDBERG, "The Control of Insulin Resistant and Refractory Type II Diabetes Mellitus by Means of Halofenate-Sulfonylurea Combined Regimen," <i>Clinical Research</i> , 34:682A (1986)	
	49	GAVIN III et al., "Report of the Expert Committee on the Diagnosis and Classification of Diabetes Mellitus," <i>Diabetes Care</i> , 22:S5-S19 (1999)	
	50	GOETZE, et al., "PPAR γ -Ligands Inhibit Migration Mediated by Multiple Chemoattractants in Vascular Smooth Muscle Cells," <i>Journal of Cardiovascular Pharmacology</i> , 33:798-806 (1999)	
	51	HOWARD et al., "Lipoprotein Composition in Diabetes Mellitus," <i>Atherosclerosis</i> , 30:153-162 (1978)	
	52	HUCKER et al., "Metabolism of a New Hypolipidemic Agent, 2-Acetamidoethyl (p-Chlorophenyl) (m-Trifluoromethylphenoxy)-Acetate (Halofenate) in the Rat, Dog, Rhesus Monkey and Man," <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 179:359-371 (1971)	
	53	HUTCHISON and WILKINSON, "The Uricosuric Action of Halofenate (MK-185) in Patients with Hyperuricemia or Uncomplicated Primary Gout and Hyperlipidemia," <i>Atherosclerosis</i> , 18:353-362 (1973)	
	54	IWAMOTO et al., "Effect of Combination Therapy of Troglitazone and Sulphonylureas in Patients with Type 2 Diabetes Who Were Poorly Controlled by Sulphonylurea Therapy Alone," <i>Diabetic Medicine</i> , 13:365-370 (1996)	
	55	JAIN, A. et al., <i>Clin. Pharmacol. Ther.</i> , 11:551-557 (1970)	
	56	JOSLIN, "Arteriosclerosis and Diabetes," <i>Annals of Clinical Medicine</i> , 5:1061-1079 (1927)	
	57	KELLER C. et al., <i>Arzneimittelforschung</i> , 28:2349-2352 (1976)	
	58	KUNTZEN O. et al., <i>Arzneimittelforschung</i> , 28:2349-2352 (1978)	
	59	KNOWLER et al., "Obesity in the Pima Indians: its magnitude and relationship with diabetes," <i>Am J Clin Nutr</i> , 53:1543S-1551S (1991)	
	60	KOHL et al., "Improved Control of Non-insulin-dependent Diabetes Mellitus by Combined Halofenate and Chlorpropamide Therapy," <i>Diabetes Care</i> , 7:19-24 (1984)	
	61	KREISBERG, R.A., "Hyperlipidemia," <i>Curr. Therapy Endocrin. Metabol.</i> , 6th Ed., pp. 509-519; Mosby-Yearbook, Inc. (1997)	
	62	KUDZMA and FRIEDBERG, "Potentiation of Hypoglycemic Effect of Chlorpropamide and Phenformin by Halofenate," <i>Diabetes</i> , 26(4):291-295 (1977)	
	63	KWITEROVICH, Jr., "State-of-the-Art Update and Review: Clinical Trials of Lipid-Lowering Agents," <i>The American Journal of Cardiology</i> , 82:3U-17U (1998)	

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			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
Examiner Name	Cook, Rebecca				
Attorney Docket Number	016325-003740US				
Sheet	5	of	6		

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	64	LeROTH, D. et al. (eds.), Diabetes Mellitus, Lippincott-Raven Publishers, Philadelphia, PA U.S.A. (1966)	
	65	LIN and LU, "Inhibition and Induction of Cytochrome P450 and the Clinical Implications, <i>Clin Pharmacokinet</i> , 35:361-390 (1998)	
	66	MAHLER and ADLER, "Clinical Review 102, Type 2 Diabetes Mellitus: Update on Diagnosis, Pathophysiology, and Treatment," <i>The Journal of Clinical Endocrinology & Metabolism</i> , 84:1165-1171 (1999)	
	67	MAHLEY et al., "Disorders of Lipid Metabolism," <i>Williams Textbook of Endocrinology</i> , 1099-1153 (1998)	
	68	McMAHON, F.G. et al., "Some Effects of MK-185 on Lipid and Uric Acid Metabolism in Man," <i>Univ. Mich. Med. Center J.</i> , 36(4):247-248 (1970)	
	69	MINERS and BIRKETT, "Cytochrome P450C9: an enzyme of major importance in human drug metabolism," <i>J Clin Pharmacol</i> , 45:525-538 (1998)	
	70	MORGAN et al., "Hypolipidemic, uricosuric, and thyroxine-displacing effects of MK-185 (halofenate)," <i>Clin. Pharmacol. Therap.</i> , 12:517-524 (1971)	
	71	NEUMAN, J. et al. <i>J. Cardiovasc. Surg. Torino</i> , Spec. No. 32-7:532-537	
	72	PELKONEN, et al., "Inhibition and induction of human cytochrome P450 (CYP) enzymes," <i>Xenobiotica</i> , 28:1203-1253 (1998)	
	73	RAVENSCHROFT, P.J. et al., <i>Clin. Pharmacol. Ther.</i> , 14:547-551 (1973)	
	74	REAVEN, "Insulin Resistance and Human Disease: A Short History," <i>Journal of Basic & Clinical Physiology & Pharmacology</i> , 9:387-406 (1998)	
	75	REAVEN, "Pathophysiology of Insulin Resistance in Human Disease," <i>Physiological Reviews</i> , 75:473-486 (1995)	
	76	RYAN, "The metabolic spectrum of halofenate," <i>Int. J. Clin. Pharmacol.</i> , 12:239-243 (1975)	
	77	SCHAPPEL and EDWARDS, "Efficacy and Interactions of Oxandrolone, Halofenate and Clofibrate in a Factorial Study on Experimental Acute Nephrotic Hyperlipidemia," <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 194:274-284 (1975)	
	78	SCHOLLOSSTEIN, L.H. et al., <i>J. Lab. Clin. Med.</i> , 82:412-418	
	79	SIRTORI et al., "Clinical Evaluation of MK-185: A New Hypolipidemic Drug," <i>Lipids</i> , 7:96-99 (1971)	

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			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1614	
			Examiner Name	Cook, Rebecca	
Sheet	6	of	6	Attorney Docket Number	016325-003740US

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	80	SKYLER, "Glucose Control in Type 2 Diabetes Mellitus," <i>Annals of Internal Medicine</i> , 127:837-838 (1997)	
	81	STEINER et al., "A Comparative Review of the Adverse Effects of Treatments for Hyperlipidaemia," <i>Drug Safety</i> , 6:118-130 (1991)	
	82	TASKINEN and SMITH, "Lipid disorders in NIDDM: implications for treatment," <i>Journal of Internal Medicine</i> , 244:361-370 (1998)	
	83	<i>The University of Michigan Medical Center Journal</i> , 36:247-248 (1970)	
	84	TRUST et al., "(Aryloxy)[p-(aryloxy)phenyl]- and (Aryloxy)[p-arylthio)phenyl]acetic Acids and Esters as Hypolipidemic Agents," <i>Journal of Medicinal Chemistry</i> , 22:1068-1074 (1979)	
	85	TURNER and CLAPHAM, "Insulin resistance, impaired glucose tolerance and non-insulin-dependent diabetes, pathologic mechanisms and treatment: Current status and therapeutic possibilities," <i>Progress in Drug Research</i> , 51:34-94 (1998)	
	86	VEDELL and PASSANANTI, "Differential Effects of Chronic Halofenate Administration on Drug Metabolism in Man," <i>Fed. Proc.</i> , 31:538 (1972)	
	87	WILSON, J. et al., (ed.), "Disorders of Lipid Metabolism", Chapter 23 <i>Textbook of Endocrinology</i> , 9th Edition, W.B. Sanders Company, Philadelphia, PA U.S.A. (1998)	
	88	WOLFRAM, G. et al., <i>Verh. Dtsch. Ges. Inn. Med.</i> , 79:1291-1293 (1973)	
	89	WRIGHT, et al., "UKPDS 28: A Randomized Trial of Efficacy of Early Addition of Metformin in Sulfonylurea-Treated Type 2 Diabetes," <i>Diabetes Care</i> , 21:87-92 (1998)	

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